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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): A. Maxwell Eliscu

Title: SYSTEM FOR AND METHOD OF PROVIDING FINANCIAL AND TRANSACTION MANAGEMENT SERVICES OVER A NETWORK

Docket No.: 046983-0101

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Atty. Dkt. No. 046983-0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: A. Maxwell Eliscu

Title: SYSTEM FOR AND METHOD OF
PROVIDING FINANCIAL AND
TRANSACTION MANAGEMENT
SERVICES OVER A NETWORK

Appl. No.: 09/666,978

Filing Date: 09/20/2000

Examiner: James A. Kramer

Art Unit: 3627

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| <p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Callie M. Bell</u> (Printed Name)</p> <p><u>Callie M. Bell</u> (Signature)</p> <p><u>May 19, 2005</u> (Date of Deposit)</p> |
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APPEAL BRIEF

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed in response to the final Office Action dated December 22, 2004, finally rejecting Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 of the above-referenced patent application (See the application). This Appeal Brief is being filed together with a check in the amount of \$250.00 covering the Rule 17(c) appeal fee for a small entity. The Notice of Appeal was mailed on March 22, 2005 making May 22, 2005, two months from the date of filing the Notice of Appeal. As a result, this Appeal Brief is being timely filed such that no extensions of time are necessary. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 50-2350.

Appellant respectfully requests reconsideration of the application.

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REAL PARTY IN INTEREST

This application has been assigned to LSQ II, LLC, having a place of business at 1 South Orange Avenue, Suite 405, Orlando, Florida 32801 USA. The assignment from the inventor was recorded in the records of the United States Patent and Trademark Office at Reel/Frame 011106/0518 on September 20, 2000.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

This is an appeal from the final Office Action dated December 22, 2004, finally rejecting Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48. Claims 20-24, 30, 36, 38, 39, 44, 45, 47, and 49-71 are directed to non-elected inventions. Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 are being appealed. Claims 1-71 with the appropriate status reference are shown on the attached Claims Appendix.

STATUS OF AMENDMENTS

No amendments have been made in the present application subsequent to receipt of the final Office Action dated December 22, 2004.

SUMMARY OF CLAIMED SUBJECT MATTER

Three independent claims, claims 1, 37, and 43, are under appeal. Claim 1 is directed to a method of providing an integrated financial and transaction management services system over a network and includes the operations of aggregating commercial transaction information, communicating the commercial transaction information between the central server computer and a remote device, and displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access,

manage, modify, maintain, and conclude their commercial transactions. Transaction management and financial services system 100 (see FIGs. 1 and 3) aggregates commercial transaction information. A network 110, 440 (see FIGs. 1 and 4) provides communication between the transaction management and financial services system 100 at a central server computer and a remote device. A web browser at the remote device displays commercial transaction information in the form of web pages received from a web server 3220. (See FIGs. 13A, 13B, 13C, and 32). Exemplary web pages displaying commercial transaction information are shown in FIGs. 20-31 and 33-38. FIGs. 22-28, 33, and 34 include exemplary web pages accessible by a buyer. FIGs. 29-31, and 35-38 include exemplary web pages accessible by a seller.

Claim 37 is directed to a system that includes a memory storage device, a communication module, and a processing module. The memory storage device maintains commercial transaction information for a plurality of companies and includes random access memory, a read-only memory, a mass storage device, or some other persistent storage (see page 14, lines 17-18). The communication module communicates commercial transaction information between a central server and a remote device. The processing module performs operations using the commercial transaction information. In an exemplary embodiment, web server 3220 hosting an applications environment 3230, an expert system 3240, a profiling system 3250, a customer database 3260, a customer profiling database 3270, and an underwriting risk database 3280 (see FIG. 32 and FIGs. 13A, 13B, 13C), performs operations using the commercial transaction information communicated by the communication module and stored by the memory storage device.

Claims 43, 46, and 48 are means plus function claims as permitted by 35 U.S.C. 112, sixth paragraph and are directed to an integrated financial and transaction management services system. Claim 43 is directed to an integrated financial and transaction management services system and includes means for aggregating commercial

transaction information, means for communicating the commercial transaction information, and means for displaying commercial transaction information on a user interface.

Aggregating means includes transaction management and financial services system 100 (see FIGs. 1 and 3). According to an exemplary embodiment, system 100 can include a computer system having a processing unit and memory to perform the operations of FIG. 14 to aggregate the commercial transaction information as part of transaction management and financial services system 100. (see page 14, lines 13-23). Communication means includes network 110, 440 (see FIGs. 1 and 4). Displaying means include a web browser that displays commercial transaction information on web pages received from a web server 3220. (See FIGs. 13A, 13B, 13C, and 32). Exemplary web pages displaying commercial transaction information are shown in FIGs. 20-31 and 33-38.

Claim 46 is directed to means for receiving commercial transaction information, means for storing commercial transaction information, and means for providing access to the commercial transaction documentation. Receiving means include a fax, email, telephone, hardcopy, or web portal. (See page 49, lines 12-30, FIG. 14). Storage means include a web server, database, or any such structure capable of electronic data storage. (See page 19, lines 4-6). Access means to the commercial transaction documentation access include a hypermedia link 2010. The link 2010 enables a log-on procedure for buyers in transaction management and financial service system 100 and a hypermedia link 2020 provides access for sellers. (See page 58, lines 15-18, FIG. 20). Additional hypermedia links provide access to electronic copies of documents. (See page 68, line 26-page 69, line 4, FIGs. 36, 37).

Claim 48 is directed to means for providing customized content on the user interface based on a company profile. In an exemplary embodiment, profiling module 303 provides this means for providing customized content. (See page 19, line 27-page 20, line 2; page 60, lines 15-24).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

One ground of rejection is presented in this appeal: Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,192,525 to LeBrun et al. (See the '525 patent), in view of U.S. Patent No. 5,283,829 to Anderson (See the '829 patent).

ARGUMENT

I. LEGAL STANDARD FOR 35 U.S.C. 103(a)

In the present application, claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 have been rejected under 35 U.S.C. § 103(a), which states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The legal standards under 35 U.S.C. § 103(a) are well-settled. Obviousness under 35 U.S.C. § 103(a) involves four factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. See *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966).

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 U.S.P.Q. 785, 787-88 (Fed. Cir. 1984). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally,

the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. A Suggestion or Motivation to Combine the References Must Be Shown

“[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fritch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). As noted by the Federal Circuit, the “factual inquiry whether to combine references must be thorough and searching.” *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 60 USPQ.2d 1001 (Fed. Cir. 2001). Further, it “must be based on objective evidence of record.” *In re Lee*, 277 F.3d 1338, 61 USPQ.2d 1430 (Fed. Cir. 2002). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ.2d 1430 (Fed. Cir. 1990). “It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher.” *Lee* (citing *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983)).

B. There Must be a Reasonable Expectation of Success

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

C. All Claim Limitations Must be Taught or Suggested

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103(a)

On Page 2 of the Office Action dated December 22, 2004, the Examiner rejected Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 under 35 U.S.C. 103(a) as being unpatentable over the '525 patent, in view of the '829 patent. This rejection is the only rejection made by the Examiner. Further, the '525 patent and the '829 patent are the only references cited by the Examiner to support the rejection. For the reasons given below, the Appellant submits that the Examiner's rejection of Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 is improper and should be reversed.

A. No Suggestion or Motivation to Combine the References Has Been Shown

An obviousness rejection cannot be properly maintained where there is no suggestion or a motivation to combine the references used in the rejection. Appellant respectfully submits that the required showing of a suggestion or a motivation to combine the '525 patent with the '829 patent has not been shown.

The '525 patent describes "an image based document processing and information management system. ... The system converts documents, such as forms and supporting pages, into digital data." (See the '525 patent, Abstract). The '829 patent describes an electronic payment system and method that includes "billing equipment which

prepares billing statements for subscribers." (See the '829 patent, Col. 3, lines 4-6).

Further, the '829 patent explains that the:

...electronic bill payment system assigns a unique approval number to each subscriber's bill, which number is pre-assigned and pre-printed on the subscriber's billing statement **mailed** to the subscriber for the billing period. Upon reviewing the billing statement ..., the subscriber can approve electronic payment of the bill by **dialing**, via the public switched network, into the payment approval apparatus and entering the assigned approval number.

(See the '829 patent, Col. 4, lines 44-53).

The '525 patent provides no suggestion or motivation as to why the image based document processing and information management system of the '525 patent should or could be combined with the electronic payment system of the '829 patent. The '525 patent does not contemplate use in an electronic bill payment system. Further, there is no suggestion or motivation in the '829 patent as to why the electronic payment system of the '829 patent should or could be combined with the image based document processing and information management system of the '525 patent. The billing statements are created electronically and the remainder of the transaction and its processing is electronic. Thus, the system of the '829 patent has no use for the image based document processing and information management system of the '525 patent.

The Examiner states:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of LeBrun ['525 patent] to provide users access via the public switch telephony network to modify, access and complete transactions as taught by Anderson [the '829 patent], in order to lower the administrative costs associated with the clerks of LeBrun ['525 patent].

(Page 3, Office Action Summary dated 12/22/2004).

Examiner's reason for modifying the '525 patent to include the electronic system of the '829 patent "in order to lower the administrative costs associated with the

clerks" actually **eliminates** the need for the image based document processing and information management system of the '525 patent entirely. A purpose of the '525 patent is to increase the efficiency of data correction/entry clerks by "handling large volumes of form based business transactions using a digital image-based system for the capture, identification and processing of images." (See the '525 patent, Abstract). Clerks are needed to process the documents received at the business, for example, by scanning documents to form electronic images. Processing of the electronic images is facilitated through use of an "intelligent character reader." (See the '525 patent, Col. 15, lines 16-46). Through use of the electronic bill payment system of the '829 patent, however, the transaction is completely electronic, and thus, there is no need for the image based document processing and information management system (such as the system of the '829 patent) to form electronic images.

The principles of operation of the '829 patent and the '525 patent are completely different. A principle of operation of the '829 patent is the elimination of the need "to physically open payment envelopes and manually enter subscriber's payment into the billing equipment" by providing for electronic payment. (See the '829 patent, Col. 1, lines). In contrast, a principle of operation of the '525 patent is to facilitate the processing of paper documents **after** they have been received. Using the '829 patent, paper transaction documents are **never received** because the subscriber simply approves payment using the telephone and an electronic transfer is initiated.

In response to Appellant's arguments presented in the Amendment and Reply dated August 30, 2004, the Examiner states:

Applicant further asserts that there is no discernible reason why the system of Anderson [the '829 patent] would have utility for the system of LeBrun [the '525 patent]. However, this is not the point of the rejection. Examiner is modifying LeBrun to further include the teaching of Anderson. Therefore, Examiner merely need [sic] to show a discernible response why the system of LeBrun would need to be modified to

include the teachings of Anderson. Of which Examiner has stated in the rejection above [sic].

(Page 4, Office Action Summary dated 12/22/2004).

Appellant disagrees. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ.2d 1430 (Fed. Cir. 1990). The Examiner fails to point to anything in either cited reference that suggests the desirability of the combination. There is no desirability if there is no utility. Thus, there is no suggestion or motivation to combine the '829 patent with the '525 patent.

B. There is No Reasonable Expectation of Success

An obviousness rejection cannot be properly maintained where there is no reasonable expectation of success in combining the references used in the rejection. Appellant respectfully submits that there is no reasonable expectation of success in combining the '525 patent with the '829 patent. There is no success in combining a system with another system for which no utility is provided.

The '829 patent discloses the subscriber receiving a bill to which the "electronic bill payment system assigns a unique approval number Upon reviewing the billing statement ..., the subscriber can approve the electronic payment of the bill by dialing, ..., into the payment approval apparatus and entering the assigned approval number." (See the '829 patent, Col. 4, lines 44-46). The '525 patent describes a document imaging system that "can capture an optical image of numerous intermixed documents of different sizes and format **taken directly from opened mail.**" (See the '525 patent, Col. 2, lines 56-58, Emphasis added).

The system disclosed in the '829 patent creates and sends billing statements to a subscriber, and thus, can assign a unique approval number to the billing statement so that the subscriber can pay the bill electronically. Through use of the electronic bill payment

system of the '829 patent, the bill payment is completely electronic. The bill payment information is captured electronically directly from the telephone and stored in a database. (See the '829 patent, FIG. 1). There is no need, in the electronic bill payment system of the '829 patent, for the image based document processing and information management system of the '525 patent that processes received documents. Because there is no need to combine the '525 patent with the '829 patent, it is not clear how the systems taught by each would be combined. As a result, there is no reasonable expectation of success in combining the '525 patent with the '829 patent.

In response to Appellant's arguments presented in the Amendment and Reply dated August 30, 2004, the Examiner states:

Applicant respectfully disagrees with Examiners motivation to combine. However, Examiner believes that Applicant is once again missing the point of the rejection. Examiner merely uses Anderson [the '829 patent] to illustrate the use of the telephony network. There is more than enough reason to assume that a LeBrun [the '525 patent] combined with the telephony network would be successful.

(Page 4, Office Action Summary dated 12/22/2004, emphasis added).

Appellant disagrees. Examiner's stated reason for combining the references is:

... to modify the system of LeBrun [the '525 patent] to provide users access via the public switch telephony network to modify, access and complete transactions as taught by Anderson [the '829 patent], in order to lower the administrative costs associated with the clerks of LeBrun.

(Page 3, Office Action Summary dated 12/22/2004, emphasis added).

Thus, at one point in the Office Action, the Examiner states that the '829 patent is used to show use of a telephone network. At another point in the Office Action, the Examiner states that the '829 patent shows providing access via the public telephone network to modify, access, and complete transactions. The '829 patent **does not teach a**

user having the ability to modify, access, and complete transactions. The '829 patent states that:

... it is conceivable that subscribers could be **notified** of current charges in a manner other than a written billing statement through the mail. For example, technological advancements in the communications industry could permit **an itemized list of current charges to be electronically accessed** by subscribers via computer or by dialing up, via the public switched telephony network, an interactive data base maintaining billing information.

(See the '829 patent, Col. 7, lines 9-17, emphasis added).

At best, the user may have the ability to **access** transaction information. The '829 patent does not teach how the user could modify and complete transactions using the public switched telephony network.

Further, it is nonsensical to combine the image based document processing and information management system of the '525 patent that facilitates the processing of received documents with the electronic bill payment system of the '829 patent from which no document is received. As a result, there is no reasonable expectation of success in combining the '525 patent with the '829 patent.

C. The Cited References Do Not Combine to Teach or Suggest All of the Claim Limitations

An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Appellant respectfully submits that neither the '525 patent nor the '829 patent suggest, teach, or disclose all of the recited claim elements of independent claims 1, 37, and 43.

Claims 1-19, 25-29, 31-35, 43, 46, and 48. Claims 1-19, 25-29, and 31-35 depend from Claim 1. Claims 46 and 48 depend from Claim 43.

Claim 1 recites:

displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to

access, manage, modify, maintain, and conclude their commercial transactions.

Claim 43 recites:

means for displaying commercial transaction information on a user interface at the remote device, allowing a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions

With respect to claims 1 and 43, the Examiner states that the '525 patent "does not specifically teach displaying information on a user interface at a remote device to access, manage, modify, maintain and conclude transactions." (Page 3, Office Action dated 7/14/2004). The Examiner points to the '829 patent as providing this teaching. Specifically, the Examiner states:

Anderson [the '829 patent] teaches a system and method for paying bills electronically. In particular a user submits a pre-authorization form which is scanned in and saved as permanent reference information (column 7; lines 39-45). After this process the user can utilize the public switched telephony network to view, access and complete transaction (pay bills) (e.g. column 7; lines 12-17 and column 8; lines 1-25).

(Page 3, Office Action Summary dated 12/22/2004).

Appellant respectfully disagrees. The '829 patent states, on the lines pointed to by the Examiner, that:

Submission of a pre-authorization form along with other required documentation triggers a pre-authorization transaction. As shown in the flow diagram of FIG. 6, this transaction entails processing the information provided in the form into the billing equipment which may entail scanning the voided blank check and pre-authorization form as permanent reference information (step 822). As a result of the transaction, an approval record is created for the subscriber, which identifies the subscriber as having electronic bill payment privileges.

(See the '829 patent, Col. 7, lines 38-47).

This cited passage from the '829 patent fails to teach "displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to

access, manage, modify, maintain, and conclude their commercial transactions.” First, the pre-authorization form of the ‘829 patent is not commercial transaction information. Second, the ‘829 patent does not disclose, suggest, or teach displaying the pre-authorization form on a user interface.

The ‘829 patent further states, on the lines pointed to by the Examiner, that:

The telephone company billing equipment 200 notifies subscribers of billing charges (step 800) usually by sending, via regular mail, a billing statement itemizing service and usage charges, taxes, etc. for the billing period. Alternatively, it is conceivable that subscribers could be **notified** of current charges in a manner other than a written billing statement through the mail. For example, technological advancements in the communications industry could permit **an itemized list of current charges to be electronically accessed** by subscribers via computer or by dialing up, via the public switched telephony network, an interactive data base maintaining billing information.

(See the ‘829 patent, Col. 7, lines 5-17).

At best, the ‘829 patent suggests a subscriber **accessing** commercial transaction information. The ‘829 patent does not suggest, teach, or disclose “displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions” as required by Claims 1 and 43. There is no structure or functionality that discloses how the subscriber can manage, modify, maintain, and conclude their commercial transactions using the public switched telephony network. Moreover, there is no mention or suggestion of both a seller and a buyer accessing, managing, modifying, maintaining, and concluding commercial transactions. In fact, the system taught by the ‘829 patent includes a security measure wherein a phone number is detected and checked to specifically limit access to the bill payment system to **only** the subscribing bill payor. (See the ‘829 patent, Col. 3, lines 42-51).

The '829 patent additionally states, on the lines pointed to by the Examiner, that:

Once the subscriber has reviewed the billing statement of charges and is satisfied that the charges are correct (step 845 of FIG. 4A), then the subscriber can effect payment simply by following the **dialing instructions** included in the billing statement (step 865). **Upon dialing into the network**, the subscriber is connected to the payment approval apparatus 300 (FIGS. 1 and 3), which prompts the subscriber to enter the payment approval number.

(See the '829 patent, Col. 8, lines 1-24).

This passage from the '829 patent refers to FIGs. 1 and 3. As shown in FIGs. 1 and 3 of the '829 patent, the subscriber uses a telephone to dial into the payment approval apparatus. No display is taught, suggested, or disclosed for the telephone.

In response to Appellant's arguments presented in the Amendment and Reply dated August 30, 2004, the Examiner states:

Applicant disagrees that Anderson teaches a system and method for paying bills electronically over a network to view, access and complete transactions. Examiner notes that while the specific embodiment of Anderson [the '829 patent] teaches a touch tone system, it also includes any telephony network system as well as other telephony network equivalents.

(Page 5, Office Action Summary dated 12/22/2004).

Even including "any telephony network system as well as other telephony network equivalents," the '829 patent fails to suggest, teach, or disclose the ability of "a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions" as required by Claims 1 and 43.

Thus, neither the '525 patent nor the '829 patent disclose, suggest, or teach "displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions." As a result, the '525 patent and the '829 patent fail to disclose, suggest, or teach all of the limitations of Claims 1 and 43. Claims 2-19, 25-29, 31-35, 46, and 48

depend from claims 1 and 43. Therefore, Appellant respectfully submits that the cited references fail to suggest, to teach, or to disclose all of the recited claim elements of claims 1-19, 25-29, 31-35, 43, 46, and 48.

Claims 37 and 40-42. Claims 40-42 depend from Claim 37. Claim 37 recites:

a communication module that communicates commercial transaction information between a central server and a remote device, the communication module enabling the plurality of companies access to commercial transaction information.

Neither the '525 patent nor the '829 patent disclose, suggest, or teach a communication module enabling a plurality of companies to access commercial transaction information. The '525 patent only discloses access by a clerk who processes customer inquiries. (See the '525 patent, Col. 22, lines 40-49). The '829 patent only discloses "**an itemized list of current charges** to be electronically accessed by subscribers." (See the '829 patent, Col. 7, lines 14-15). Claim 37 requires that the communication module enable a **plurality of companies** access to commercial transaction information. Neither the '525 patent nor the '829 patent show this functionality. The '525 patent, for example, describes a system used **within** a company for electronification of business forms and paper materials received at the business. (See the '525 patent, Col. 3, lines 7-11). The '829 patent describes a bill payment system utilized by **individual** subscribers. (See the '829 patent, Col. 2, lines 35-52). Neither a corporate image document processing system (the '525 patent) nor a subscriber bill pay system (the '829 patent) include the structures or functionality required to provide a plurality of companies with access to commercial transaction information.

Thus, the '525 patent and the '829 patent fail to disclose, suggest, or teach all of the limitations of Claim 37. Therefore, Appellant respectfully submits that the cited references fail to suggest, to teach, or to disclose all of the recited claim elements of claims 37 and 40-42.

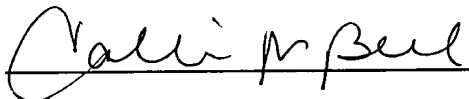
CONCLUSION

In view of the foregoing discussion and arguments, Appellant respectfully submits that claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over the '525 patent, in view of the '829 patent. Accordingly, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Respectfully submitted,

Date May 19, 2005

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CLAIMS APPENDIX

1. (Elected, Previously presented) A method of providing an integrated financial and transaction management services system over a network, the method comprising:

aggregating commercial transaction information including images to a central server computer configured to be accessed by a remote device, the commercial transaction information being associated with a commercial transaction;

communicating the commercial transaction information between the central server computer and the remote device; and

displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.

2. (Elected, Original) The method of claim 1, further comprising providing access to ancillary commercial transaction information to facilitate management, modification, maintenance, and conclusion of commercial transactions.

3. (Elected, Original) The method of claim 2, further comprising communicating the ancillary commercial transaction information to the remote device.

4. (Elected, Original) The method of claim 3, further comprising displaying ancillary commercial transaction information on a user interface at the remote device.

5. (Elected, Original) The method of claim 2, wherein the step of providing access to ancillary commercial transaction information comprises providing the remote device with access to the ancillary commercial transaction information on an external server computer.

6. (Elected, Original) The method of claim 1, wherein the step of aggregating commercial transaction information to a central server computer comprises receiving electronic commercial transaction information, receiving paper-based commercial

transaction information, converting the paper-based commercial transaction information into an electronic format and storing the received commercial transaction information in the central server computer.

7. (Elected, Original) The method of claim 1, wherein the commercial transaction information comprises any one of an invoice, a purchase order, shipping documentation, check copies, check remittance information, credit memos, time tickets, and other documentation associated with commercial transactions.

8. (Elected, Original) The method of claim 2, wherein the ancillary commercial transaction information comprises any one of electronic shipping information, bank account information, and other information necessary to manage, maintain, and conclude commercial transactions.

9. (Elected, Original) The method of claim 1, wherein the step of aggregating commercial transaction information comprises linking commercial transaction information to the associated commercial transaction and accounts of a Buyer or Seller that are parties to the commercial transaction.

10. (Elected, Original) The method of claim 1, further comprising facilitating the management, maintenance, and conclusion of commercial transactions by enabling external users to access the central server computer to review commercial transaction information.

11. (Elected, Original) The method of claim 1, further comprising facilitating the management, maintenance, and conclusion of commercial transactions by enabling external users to access the central server computer to communicate with other users regarding the commercial transaction information.

12. (Elected, Original) The method of claim 1, further comprising facilitating the management, maintenance, and conclusion of commercial transactions by enabling

external users to access the central server computer to modify commercial transaction information.

13. (Elected, Original) The method of claim 1, further comprising facilitating the management, maintenance, and conclusion of commercial transactions by enabling external users to access the central server computer to reconcile modifications of commercial transaction information with an accounting system located at the remote device.

14. (Elected, Original) The method of claim 1, further comprising facilitating the management, maintenance, and conclusion of commercial transactions by enabling external users to access the central server computer to conclude and reconcile commercial transactions with an accounting system located at the remote device.

15. (Elected, Original) The method of claim 1, further comprising performing at least one operation with respect to the commercial transaction information, wherein the at least one operation involves a marketplace of any one of a Buyer, a Seller, a financial institution, and a company.

16. (Elected, Original) The method of claim 15, wherein the at least one operation performed by the Buyer comprises any one of financing, trade credit approval, dispute resolution, on-line payment, reconciliation of commercial transactions, vendor management, and commercial transaction management.

17. (Elected, Original) The method of claim 15, wherein the at least one operation performed by the Seller comprises any one of financing, management of financing relationship, trade credit approval requests, dispute resolution, initiation of advances from financing products, buyer management, download and reconciliation of transaction information, and commercial transaction management.

18. (Elected, Original) The method of claim 15, wherein the at least one operation performed by the financial institution comprise referring declinations, tracking declinations, tracking relationships established resulting from referral (sellers), gathering

data on sellers, retrieving data on buyers transacting business with sellers, and providing information to modify content in the integrated financial and transaction management services system.

19. (Elected, Original) The method of claim 1, further comprising establishing an account for access to the integrated financial and transaction management services system.

20. (Non-elected) The method of claim 1, further comprising performing domestic trade credit underwriting comprising the steps of:

receiving an application for trade credit from a seller; and
where there is sufficient information to make a recommendation,
communicating a trade credit recommendation to a seller;
where there is not sufficient information to make a recommendation,
obtaining additional information.

21. (Non-elected) The method of claim 20, further comprising aggregating credit information to be used in making a recommendation.

22. (Non-elected) The method of claim 20, further comprising aggregating credit information to be used in making a guarantee.

23. (Non-elected) The method of claim 1, further comprising performing dispute resolution comprising the steps of:

receiving dispute information related to an invoice, the dispute information including information identifying the disputed invoice, the invoice having an invoice issuer and an invoice recipient;

communicating the dispute information to the invoice issuer; and
providing for communication between the invoice issuer and the invoice recipient to facilitate resolution of the dispute.

24. (Non-elected) The method of claim 23, further comprising linking commercial transaction information to dispute communications.

25. (Elected, Original) The method of claim 1, further comprising performing transaction management comprising the steps of:

receiving commercial transaction information including any one of an invoice, a purchase order, shipping documents, and credit memos, the documents relating to a commercial transaction between a buyer and a seller;

storing commercial transaction information, including images, within the central server computer; and

providing access to commercial transaction documentation to both the buyer and the seller, commercial transaction documentation including commercial transaction information and ancillary commercial transaction information.

26. (Elected, Original) The method of claim 25, further comprising sending commercial account statements.

27. (Elected, Original) The method of claim 25, further comprising the receipt and application of electronic and paper-based payments.

28. (Elected, Original) The method of claim 27, further comprising storing payment information, including images, within the central server computer.

29. (Elected, Original) The method of claim 27, further comprising facilitating the management and collection of payments.

30. (Non-elected) The method of claim 1, further comprising providing financing, comprising the steps of:

receiving information regarding a financing seeking party; where there is sufficient information to make a proposal, making a proposal to provide financing to the financing seeking party;

where there is not sufficient information to make a proposal, obtaining additional information; and

if the proposal is declined, providing an alternative financing proposal.

31. (Elected, Original) The method of claim 1, wherein the step of displaying commercial transaction information on a user interface at the remote device comprises providing customized content for the display on the user interface based on company and user profiles.

32. (Elected, Original) The method of claim 1, further comprising electronically enabling off-line commercial transactions.

33. (Elected, Original) The method of claim 32, wherein the step of electronically enabling off-line commercial transactions comprises converting off-line documents into digital format using a facsimile to data device.

34. (Elected, Original) The method of claim 32, wherein the step of electronically enabling off-line commercial transactions comprises converting off-line documents into digital format using a scanning technology.

35. (Elected, Original) The method of claim 32, wherein the step of electronically enabling off-line commercial transactions comprises converting off-line documents into digital format by uploading documents from external computer systems.

36. (Non-elected) The method of claim 1, further comprising:
receiving information regarding a financing seeking party;
when the financing seeking party does not meet financing parameters,
referring the financing seeking party to an alternative financing provider.

37. (Elected, Original) A system comprising:
a memory storage device that maintains commercial transaction information
for a plurality of companies;

a communication module that communicates commercial transaction information between a central server and a remote device, the communication module enabling the plurality of companies access to commercial transaction information; and

a processing module, the processing module being configured to perform operations using the commercial transaction information communicated by the communication module and stored by the memory storage device, the commercial transaction information operations being associated with financial and transaction management services.

38. (Non-elected) The system of claim 37, wherein the processing module is configured to provide financing.

39. (Non-elected) The system of claim 38, wherein the financing is in accordance with a declination referral model.

40. (Elected, Original) The system of claim 37, wherein the processing module is configured to perform any one of a financing function, a transaction management function, and a trade credit underwriting function.

41. (Elected, Original) The system of claim 37, wherein the commercial transaction information includes data and images associated with accounts receivable of a participant in the at least one marketplace.

42. (Elected, Original) The system of claim 37, wherein the processing module performs operations including the providing of commercial transaction information and images for display on a computer screen.

43. (Elected, Previously presented) An integrated financial and transaction management services system, the system comprising:

means for aggregating commercial transaction information including images to a central server computer configured to be accessed by a remote device, the commercial transaction information being associated with a commercial transaction;

means for communicating the commercial transaction information between the central server computer and the remote device; and

means for displaying commercial transaction information on a user interface at the remote device, allowing a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.

44. (Non-elected) The system of claim 43, further comprising means for performing domestic trade credit underwriting comprising:

means for receiving an application for trade credit from a seller; and

where there is sufficient information to make a recommendation, means for communicating a trade credit recommendation to a seller;

where there is not sufficient information to make a recommendation, means for obtaining additional information.

45. (Non-Elected) The system of claim 43, further comprising means for performing dispute resolution comprising:

means for receiving dispute information related to an invoice, the dispute information including information identifying the disputed invoice, the invoice having an invoice issuer and an invoice recipient;

means for communicating the dispute information to the invoice issuer; and

means for providing for communication between the invoice issuer and the invoice recipient to facilitate resolution of the dispute.

46. (Elected, Original) The system of claim 43, further comprising means for performing transaction management comprising:

means for receiving commercial transaction information including any one of an invoice, a purchase order, shipping documents, and credit memos, the documents relating to a commercial transaction between a buyer and a seller;

means for storing commercial transaction information, including images,
within the central server computer; and

means for providing access to the commercial transaction documentation to
both the buyer and the seller.

47. (Non-elected) The system of claim 43, further comprising means for
providing financing, comprising:

means for receiving information regarding a financing seeking party;

where there is sufficient information to make a proposal, means for making a
proposal to provide financing to the financing seeking party;

where there is not sufficient information to make a proposal, means for
obtaining additional information; and

if the proposal is declined, means for providing an alternative financing
proposal.

48. (Elected, Original) The system of claim 43, wherein the means for
displaying commercial transaction information on a user interface at the remote computer
comprises means for providing customized content for the display on the user interface
based on a company profile.

49. (Non-elected) The system of claim 43, further comprising means for
receiving a communication from a web site to initiate operations within the integrated
financial and transaction management services system.

50. (Non-elected) The method of claim 1, further comprising performing
domestic trade credit underwriting comprising the steps of:

receiving an application for trade credit from a seller;

communicating trade credit information to the seller as to facilitate a trade
credit decision; and

linking the trade credit information to the application for trade credit.

51. (Non-elected) A method of aggregating information on providers of commercial transaction management services, trade credit analysis services, credit guaranteeing services, where the commercial transaction management services, trade credit analysis services, and credit guaranteeing services include services which facilitate any one of the management, maintenance, modification, and conclusion of commercial transactions, trade credit, and credit guaranteeing, the method comprising:

aggregating indicia of providers of commercial transaction management services, trade credit analysis services, credit guaranteeing services;

communicating the indicia for presentation at a remote device; and

receiving from the remote device a communication indicative of a selection of a provider of commercial transaction management services, trade credit analysis services, credit guaranteeing services.

52. (Non-elected) The method of claim 51, further comprising communicating the selection of a provider of commercial transaction management services, trade credit analysis services, credit guaranteeing services to the selected provider.

53. (Non-elected) The method of claim 51, further comprising communicating a matrix to display at a remote device, the matrix including names of providers of commercial transaction management services, trade credit analysis services, credit guaranteeing services.

54. (Non-elected) The method of claim 53, wherein the matrix further comprises names of providers of commercial transaction management services, trade credit analysis services, and credit guaranteeing services having proprietary products and service offerings, these offerings being similar in nature and competing with any one of the product and service offerings of a central transaction management and financial services system.

55. (Non-elected) The method of claim 51, further comprising communicating hypermedia links associated with the providers of commercial transaction management services, trade credit analysis services, and credit guaranteeing services.

56. (Non-elected) A method of aggregating information on providers of technology enabling any one of the management, maintenance, modification, and conclusion of commercial transactions, trade credit analysis, and credit guaranteeing, the method comprising:

aggregating indicia of providers of technology enabling any one of the management, maintenance, modification, and conclusion of commercial transactions, trade credit analysis, and credit guaranteeing; and

communicating the indicia of providers of technology enabling any one of the management, maintenance, modification, and conclusion of commercial transactions, trade credit analysis, and credit guaranteeing for presentation at a remote device.

57. (Non-elected) A method of compiling information on providers of commercial transaction management services, trade credit analysis services, and credit guaranteeing services, where the services include services which facilitate any one of the management, maintenance, modification, and conclusion of commercial transactions, trade credit analysis, and credit guaranteeing, the method comprising:

compiling a list of names and information associated with providers of commercial transaction management services, trade credit analysis services, and credit guaranteeing services; and

communicating the list associated with providers of commercial transaction management services, trade credit analysis services, and credit guaranteeing services for presentation at a remote device.

58. (Non-elected) The method of claim 19, wherein the step of establishing an account further comprises, for a seller, permitting the seller to establish trade credit guidelines.

59. (Non-elected) The method of claim 58, if the seller desires to establish trade credit guidelines, wherein the step of permitting the seller to establish trade credit guidelines further comprises communicating possible criteria from which the seller chooses desired trade credit guidelines.

60. (Non-elected) A method of providing a guarantee as to the financial ability of a buyer to pay commercial obligations to a seller, the method comprising:

communicating information on a buyer to guarantee providers, wherein the guarantee providers include any one of credit insurance companies, factoring companies, and companies providing guarantees of commercial concerns' ability to pay obligations;

receiving responses from the guarantee providers; and

presenting at least one response to a seller.

61. (Non-elected) The method of claim 60, further comprising: selecting the most favorable response from the guarantee providers; and providing the most favorable response to a seller.

62. (Non-elected) The method of claim 60, wherein the seller can select the presented guarantee from a list.

63. (Non-elected) A method of providing a guarantee as to the financial ability of a buyer to pay commercial obligations to a seller, the method comprising:

evaluating a buyer to determine whether the buyer meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine the financial ability of the buyer to pay commercial obligations and whether the system should assume the risk of non-payment due to financial inability; and

if the buyer does not meet system-determined underwriting criteria, seeking an alternative provider for the guarantee by determining whether sufficient information exists to match application information on a buyer with required underwriting information provided as part of the underwriting guidelines of a plurality of alternative guarantee providers; and, if the required underwriting information exists, matching application information on the buyer to underwriting guidelines of a plurality of alternative guarantee providers and determining whether one or more matches exist.

64. (Non-elected) The method of claim 63, if the seller accepts the guarantee, further comprising notifying a guarantee provider of the accepted guarantee.

65. (Non-elected) A method of providing a guarantee as to the financial ability of a buyer to pay commercial obligations to a seller, the method comprising:

evaluating the buyer to determine whether the buyer meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine the financial ability of the buyer to pay commercial obligations and whether the system should assume the risk of non-payment due to financial inability; and

if the buyer does not meet system-determined underwriting criteria: communicating information on a buyer to guarantee providers, wherein the guarantee providers include any one of credit insurance companies, factoring companies, and companies providing guarantees of commercial concerns' ability to pay obligations;

receiving responses from the guarantee providers; and

presenting at least one response to a seller.

66. (Non-elected) A method of providing a guarantee as to the financial ability of a buyer to pay commercial obligations to a seller, the method comprising:

determining whether sufficient information exists to match application information on a buyer with required underwriting information provided as part of the underwriting guidelines of a plurality of alternative guarantee providers;

if the required underwriting information exists, matching application information on a buyer to underwriting guidelines of a plurality of alternative guarantee providers and determining whether one or more matches exist;
presenting the one or more match to a seller.

67. (Non-elected) A method of aggregating information on providers of commercial transaction management services, where the commercial transaction management services include guaranteeing credit, the method comprising:

aggregating indicia of providers of commercial transaction management services; and

communicating the indicia for presentation at a remote device.

68. (Non-elected) The method of claim 67, wherein the step of aggregating indicia of providers of commercial transaction management services further comprises communicating a matrix to present at a remote device, the matrix including names of providers of commercial transaction management services.

69. (Non-elected) The method of claim 68, wherein the matrix further comprises names of providers of commercial transaction management services having proprietary products and service offerings, these offerings being similar in nature and competing with any one of the product and service offerings of a central transaction management and financial services system.

70. (Non-elected) The method of claim 67, further comprising communicating hypermedia links associated with the providers of commercial transaction management services.

71. (Non-elected) The method of claim 67, further comprising receiving a selection of providers of commercial transaction management services from the seller.